

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21529 of 2007

Between:

Venkathadi Nageswara Rao.

.. PETITIONER

and

The Tahasildar and another.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that one Sri Perla Danayya was granted patta by the 1st respondent in respect of plot No.713 of Peda Gantyada

Rehabilitation Colony, Visakhapatnam, considering his entitlement as a displaced person having lost his house in the acquisition proceedings for establishment of a Steel Plant in Visakhapatnam. Thereafter, the said plot has been purchased by the petitioner in the year 2003 and the said plot was assigned with door No.18-13-6/4 and was also assessed to property tax. While so, the respondents are trying to dispossess the petitioner from the plot in question, without following due process of law.

I am not inclined to express any opinion as to whether the plot in question is an assigned land or not and even it is an assigned land and if there is any violation of sub-section 1 or sub-section 2 of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), the petitioner cannot be evicted from the plot in question without following due procedure prescribed under the Act. Even, if the petitioner is an encroacher, he cannot be evicted from the plot in question without following due procedure prescribed under the A.P.Land Encroachment Act, 1905.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the plot in question without following due process of law. There shall be no order as to costs.

11-10-2007

Prv